

2013 DRAFTING REQUEST

Bill

Received: **9/4/2013** Received By: **gmalaise**
 Wanted: **Today** Same as LRB:
 For: **Mark Born (608) 266-2540** By/Representing: **John Cronin**
 May Contact: Drafter: **gmalaise**
 Subject: **Employ Priv - minimum wage** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Born@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum wage; exemption for outside salespersons

Instructions:

See attached--draft companion to -2641/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 9/4/2013	kfollett 9/5/2013	jfrantze 9/5/2013	_____			
/1				_____	lparisi 9/5/2013	lparisi 9/6/2013	

FE Sent For:

*None
needed*

<END>

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/?	gmalaise	11/5		9/5			

FE Sent For:

<END>

Malaise, Gordon

From: Cronin, John
Sent: Wednesday, September 04, 2013 12:16 PM
To: Malaise, Gordon
Subject: Assembly companion draft to LRB 2641/1
Attachments: 13-2641_1.pdf

Hi Gordon,

Can you please draft an Assembly companion bill to LRB 2641? Senator Fitzgerald has asked Rep. Born to be the lead sponsor in the Assembly. A copy of the draft from Senator Fitzgerald's office is attached. Please let me know if you have any questions – 6-2540. Thanks for your help.

Regards,

John Cronin
Office of Rep. Mark Born
39th Assembly District



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2641/1
GMM:kjfrs

3074/1

LN 914

Soon
(Companion)

2013 BILL

Fix
request
sheet please

Regen

- 1 **AN ACT to create** 104.01 (2) (b) 5. of the statutes; **relating to:** exemption of
2 outside salespersons from the minimum wage law.

Analysis by the Legislative Reference Bureau

Current state and federal law generally require employees to be paid a minimum wage. Current federal law, however, exempts from that requirement employees employed in the capacity of outside salesman, which federal regulations define as an employee whose primary duty is making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer and who is customarily and regularly engaged away from the employer's place of business in performing that primary duty (outside salesperson). Outside salespersons are not similarly exempt from the state minimum wage law. This bill exempts outside salespersons from the state minimum wage law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓

- 3 **SECTION 1.** 104.01 (2) (b) 5. of the statutes is created to read:
4 104.01 (2) (b) 5. Any individual whose primary duty is making sales, as defined
5 in 29 USC 203 (k), or obtaining orders or contracts for services or for the use of

BILL**SECTION 1**

1 facilities for which a consideration will be paid by the client or customer and who is
2 customarily and regularly engaged away from the employer's place of business in
3 performing that primary duty.

4 **SECTION 2. Initial applicability.**

5 (1) EXEMPTION OF OUTSIDE SALESPERSONS FROM MINIMUM WAGE LAW. This act first
6 applies to work performed on the effective date of this subsection, except that in the
7 case of an employee who is affected by a collective bargaining agreement that
8 contains provisions inconsistent with this act, this bill first applies to work
9 performed on the date on which the collective bargaining agreement expires or is
10 extended, modified, or renewed.

11 (END)

Parisi, Lori

From: Cronin, John
Sent: Friday, September 06, 2013 10:56 AM
To: LRB.Legal
Subject: Draft Review: LRB -3074/1 Topic: Minimum wage; exemption for outside salespersons

Please Jacket LRB -3074/1 for the ASSEMBLY.